



NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS
AND INTERFERENCES

In Re Application of Hawley K. Rising III. Attorney Docket No.: 80398.P515

Application Number 10/090,557

Filed March 1, 2002

For Occurrence Description Schemes for Multimedia Content

Group Art Unit: 2623 Examiner: Hossain, F.

Address to:

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 510.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 02-2666. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest
See 37 CFR 3.71, Statement under 37 CFR 3.73(b)
is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.

Sheryl Sue Holloway
Typed or printed name

☐ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) 37,850 October 24, 2007
(Reg. No.) Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest of their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on October 24, 2007 Cheri Clinkenbeard
Date Signature

Typed or printed name

05/01/03
10/26/2007 10:00:00 AM 00000000 022666 10090557
01 10:26:03 15.00 DA 510.00 00

**FEE TRANSMITTAL FOR FY 2008**

(Effective on 9/30/2007. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 510.00

Complete if Known:

Application No. 10/090,557
Filing Date 3/1/02
First Named Inventor Rising III.
Examiner Name Hossain, F.
Art Unit 2623
Attorney Docket No. 80398.P515

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)☐ Deposit AccountDeposit Account Number : 02-2666

Deposit Account Name: _____

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:☒ Charge fee(s) indicated below.☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.☐ Charge fee(s) indicated below except for the filing fee☒ Credit any overpayments.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.
Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| <u>Large Entity</u> | | <u>Small Entity</u> | | <u>Fee Description</u> | | <u>Fees Paid (\$)</u> |
|---------------------|-----------------|---------------------|-----------------|------------------------------------|-----------|-----------------------|
| <u>Fee Code</u> | <u>Fee (\$)</u> | <u>Fee Code</u> | <u>Fee (\$)</u> | | | |
| 1011 | 310 | 2011 | 155 | Utility application filing fee | 1,030/515 | _____ |
| 1111 | 510 | 2111 | 255 | Utility search fee | | _____ |
| 1311 | 210 | 2311 | 105 | Utility examination fee | | _____ |
| 1012 | 210 | 2012 | 105 | Design application filing fee | 440/220 | _____ |
| 1112 | 100 | 2112 | 50 | Design search fee | | _____ |
| 1312 | 130 | 2312 | 65 | Design examination fee | | _____ |
| 1013 | 210 | 2013 | 105 | Plant filing fee | 680/340 | _____ |
| 1113 | 310 | 2113 | 155 | Plant search fee | | _____ |
| 1313 | 160 | 2313 | 80 | Plant examination fee | | _____ |
| 1004 | 810 | 2004 | 405 | Reissue filing fee | 1,940/970 | _____ |
| 1114 | 510 | 2114 | 255 | Reissue search fee | | _____ |
| 1314 | 620 | 2314 | 310 | Reissue examination fee | | _____ |
| 1005 | 210 | 2005 | 105 | Provisional application filing fee | | _____ |
| SUBTOTAL (1) | | | | | | \$0.00 |

2. EXCESS CLAIM FEES**Fee Description****Large Entity Small Entity**

| Fee | Fee | Fee | Fee |
|------|------|------|------|
| Code | (\$) | Code | (\$) |
| 1202 | 50 | 2202 | 25 |
| 1201 | 210 | 2201 | 105 |
| 1203 | 370 | 2203 | 185 |
| 1204 | 210 | 2204 | 105 |
| 1205 | 50 | 2205 | 25 |

Fee Description

Each claim over 20

Each independent claim over 3

Multiple dependent claims, if not paid

Reissue: each claim over 20 and more than in the original patent

Reissue: each independent claim more than in the original patent

| | <u>Extra Claims</u> | <u>Fee</u> | <u>Fees Paid (\$)</u> |
|---|---------------------|------------|-----------------------|
| Total Claims _____ - 20 or HP = _____ | X | _____ | = _____ |
| HP = highest number of total claims paid for, if greater than 20 | | | |
| Independent Claims _____ - 3 or HP = _____ | X | _____ | = _____ |
| HP = highest number of independent claims paid for, if greater than 3 | | | |
| Multiple Dependent Claims _____ | | _____ | = _____ |
| SUBTOTAL (2) \$ 0.00 | | | |

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee from below</u> | <u>Fees paid (\$)</u> |
|---------------------|---------------------|---|---------------------------|-----------------------|
| _____ | - 100 = _____ | / 50 = _____ (round up to whole number) | X \$ _____ | _____ |

Large Entity Small Entity

| Fee | Fee | Fee | Fee |
|------|------|------|------|
| Code | (\$) | Code | (\$) |
| 1081 | 260 | 2081 | 130 |
| 1082 | 260 | 2082 | 130 |
| 1083 | 260 | 2083 | 130 |
| 1084 | 260 | 2084 | 130 |

Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):

Utility

Design

Plant

Reissue

SUBTOTAL (3) \$ 0.00

FEE CALCULATION (continued)**4. OTHER FEE(S)**

| | | | | | Fees Paid (\$) |
|---|----------|---------------------|----------|--|-----------------------|
| Non-English Specification, \$130 fee (no small entity discount) | | | | | |
| <u>Large Entity</u> | | <u>Small Entity</u> | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1813 | 8,800 | 1813 | 8,800 | Request for inter parties reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month | |
| 1252 | 460 | 2252 | 230 | Extension for reply within second month | |
| 1253 | 1,050 | 2253 | 525 | Extension for reply within third month | |
| 1254 | 1,640 | 2254 | 820 | Extension for reply within fourth month | |
| 1255 | 2,230 | 2255 | 1,115 | Extension for reply within fifth month | |
| 1401 | 510 | 2401 | 255 | Notice of Appeal | 510.00 |
| 1402 | 510 | 2402 | 255 | Filing a brief in support of an appeal | |
| 1403 | 1,030 | 2403 | 515 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 510 | 2452 | 255 | Petition to revive - unavoidable | |
| 1453 | 1,540 | 2453 | 770 | Petition to revive - unintentional | |
| 1501 | 1,440 | 2501 | 720 | Utility issue fee (or reissue) | |
| 1502 | 820 | 2502 | 410 | Design issue fee | |
| 1503 | 1,130 | 2503 | 565 | Plant issue fee | |
| 1462 | 400 | 1462 | 400 | Petitions to the Commissioner (CFR 1.17(f) Group I) | |
| 1463 | 200 | 1463 | 200 | Petitions to the Commissioner (CFR 1.17(g) Group II) | |
| 1464 | 130 | 1464 | 130 | Petitions to the Commissioner (CFR 1.17(h) Group III) | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 810 | 2809 | 405 | For filing a submission after final rejection (see 37 CFR 1.129(a)) | |
| 1814 | 130 | 2814 | 65 | Statutory Disclaimer | |
| 1810 | 810 | 2810 | 405 | For each additional invention to be examined (see 37 CFR 1.129(b)) | |
| 1801 | 810 | 2801 | 405 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| 1504 | 300 | 1504 | 300 | Publication fee for early, voluntary, or normal pub. | |
| 1505 | 300 | 1505 | 300 | Publication fee for republication | |
| 1803 | 130 | 1803 | 130 | Request for voluntary publication or republication | |
| 1808 | 130 | 1808 | 130 | Processing fee under 37 CFR 1.17(i) (except provisionals) | |
| 1454 | 1,410 | 1454 | 1,410 | Acceptance of unintentionally delayed claim for priority | |
| Other fee (specify) _____ | | | | | |
| Other fee (specify) _____ | | | | | |
| SUBTOTAL (4) | | | | | \$510.00 |

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Sheryl Sue Holloway

Signature: _____

Date: OCT. 24, 2007Reg. Number: 37,850Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450